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2015-Or- 001  
**AN ORDINANCE**  
**of the**  
**CITY OF**  
**MINNEAPOLIS**  
By Gordon

1st Reading

Referred to (name of) Committee

Public Hearing

2nd Reading and Final Passage

12/12/2014

CD & RS

1/20/2015

1/30/2015

**Amending Title 13, Chapter 281 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Tobacco Dealers.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That Section 281.15 of the above-entitled ordinance be amended to read as follows:

**281.15. - Definitions.**

As used in this chapter, the following terms shall mean:

*Self service merchandising* means open displays of tobacco, tobacco products, or tobacco related devices in any manner where any person shall have access to the tobacco, or tobacco related devices, without the assistance or intervention of the licensee or licensee's employee. The assistance or intervention shall entail the actual physical exchange of the tobacco or tobacco related device between the customer and the licensee or employee.

*Self service method* means a method of sales of tobacco or tobacco related devices whereby the customer does not need to make a verbal or written request to an employee of the licensed premise in order to receive the tobacco, or tobacco related device, and no physical exchange of the tobacco or tobacco related device occurs between the customer and the licensee, or an employee or agent of the licensee.

*Tobacco* means cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

*Tobacco products* means any products containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including, but not limited to, cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco but does not include cigarettes as defined in this section. Tobacco products excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose, but includes any electronic delivery device as defined in Minn. Statute Section 609.685.

*Tobacco products shop* means a retail establishment with an entrance door opening directly to the outside that derives more than ninety (90) percent of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. "Tobacco products shop" does not include a tobacco department or section of any individual business establishment with any type of liquor, food, or restaurant license.

*Tobacco related devices* mean any tobacco product as well as a pipe, rolling papers or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, ingesting, absorbing, or smoking of tobacco or tobacco products.

*Vending machine* means a mechanical, electric or electronic device, regardless of locking mechanism which is used for the purposes of dispensing tobacco or tobacco related devices.

Section 2: That Section 281.56 of the above-entitled ordinance be amended to read as follows:

**281.56. - Sampling.**

Pursuant to the authority granted to the City of Minneapolis by Minnesota Statutes, Section 144.417, the operator of any tobacco products shop licensed under Section 281.10 of the Minneapolis Code of Ordinances is hereby prohibited from any of the following:

(a) Except for a bona fide sale of a smoking device, providing or otherwise making available for use by a customer, potential customer, or any other person a smoking device for the purpose of sampling any tobacco product, provided that this subsection shall not prevent providing or otherwise making available for sampling, testing, or instructional purposes, an electronic device as defined in Minn. Statute Section 609.685;

(b) Providing in exchange for a fee or any other consideration seating within or access to the indoor area of a tobacco products shop; or

(c) Permitting within the indoor area of a tobacco products shop the sampling of any tobacco product which was not furnished by the tobacco products shop on the date and at the time the sampling occurs.

A tobacco products shop may distribute single service samples of smokeless tobacco products or cigarettes, cigars, pipe tobacco, or other tobacco products suitable for smoking subject to the limitations on indoor sampling or smoking provided in this section.

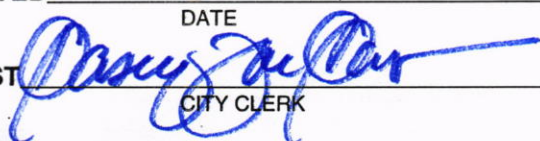
Certified as an official action of the City Council: 

RECORD OF COUNCIL VOTE (X INDICATES VOTE)													
COUNCIL MEMBER	AYE	NAY	ABSTAIN	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN	COUNCIL MEMBER	AYE	NAY	ABSTAIN	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN
Reich				X			Glidden	X					
Gordon	X						Cano	X					
Frey	X						Bender	X					
B Johnson				X			Quincy	X					
Yang	X						A Johnson	X					
Warsame	X						Palmisano	X					
Goodman	X												

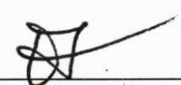
ADOPTED JAN 30 2015

DATE

ATTEST

  
CITY CLERK

☒ APPROVED ☐ NOT APPROVED ☐ VETOED

  
MAYOR HODGES

FEB 05 2015  
DATE